

**BEFORE THE ARIZONA STATE VETERINARY MEDICAL
EXAMINING BOARD**

IN THE MATTER OF:)	Case No.: 18-125
)	
MARIA ZAYAS, DVM)	FINDINGS OF FACT,
Holder of License No. 6946)	CONCLUSIONS OF LAW
)	AND ORDER
)	
For the practice of Veterinary)	
Medicine in the State of Arizona,)	
)	
Respondent.)	

On September 18, 2019 and October 16, 2019, the Arizona State Veterinary Medical Examining Board conducted an Informal Interview regarding Maria Zayas, DVM ("Respondent"). The proceedings in this matter are governed by A.R.S. § 32-2234 (A). Respondent was advised of her right to legal counsel by letter, appeared, and participated telephonically in the Informal Interview without representation. The Board reviewed all documents submitted regarding this matter, took testimony from Respondent, and proceeded as is permitted by A.R.S. § 32-2234 (A).

Following the Informal Interview and the Board's discussion of the information and documents submitted, the Board determined that Respondent's conduct constituted unprofessional conduct pursuant ARS § 32-2232 (25) Performing veterinary services without having a valid veterinarian client patient relationship. After considering all of the information and testimony, the Board issues the following Findings of Fact, Conclusions of Law and Order, ("Order").

FINDINGS OF FACT

1 1. Respondent is the holder of License No. 6946 issued on June 30, 2017, and
2 was authorized to practice the profession of veterinary medicine in the State of
3 Arizona at the time of the veterinary service provided in this case. Her license
4 was not renewed by December 31, 2018; thus, the license has lapsed and she is
5 not eligible to provide veterinary services in Arizona at this time.

6 2. On January 9, 2018, "Ruger," a 16-week-old male Rottweiler was
7 presented to Low Cost Spay/Neuter Clinic due to vomiting and not eating. The
8 pet owner, Mr. Williams, went inside the clinic while Mrs. Williams stayed in the
9 vehicle with the dog; he advised the receptionist that the dog needed to be
10 tested for parvo based on his symptoms.

11 3. Technical staff member, Ms. Davis, advised Respondent that there was a
12 possible parvo puppy that presented as a walk-in appointment in the parking
13 lot. Respondent asked Ms. Davis to speak with Complainants and obtain a
14 swab to run a parvo test prior to her examining the puppy. According to Ms.
15 Davis, she went out to the vehicle with Mr. Williams, obtained the dog's vitals
16 and estimated a weight; weight = 15 pounds, temperature = 101.5 degrees, a
17 heart rate = 125bpm and a respiration rate = 30rpm. Ms. Davis then took a swab
18 of the puppy's mouth and rectum for a parvo test. She asked the pet owners
19 what they wanted to do if the puppy was positive for parvo – they responded
20 that they would medicate the dog at home since Mrs. Williams was a stay-at-
21 home mom. Ms. Davis stated that she explained that hospitalizing the dog on IV
22 fluids, although more costly, would be the preferred treatment method.

23 4. Ms. Davis ran the parvo test and advised Respondent of the positive result.
24 She further relayed that she had discussed the basics of hospitalization versus
25 at-home treatment with the pet owners and they would like out-patient

1 treatment to save money. Respondent worked up a cost estimate with
2 medications to be sent home as well as an estimate for in-house hospitalization
3 and asked Ms. Davis to again advise that hospitalization was more beneficial
4 than at-home treatment. Respondent explained that at that time, there were
5 many pets being discharged from surgeries that day and she was seeing
6 appointments – but planned on examining the puppy before finalizing the plan.

7 5. Ms. Davis spoke with the pet owners who declined hospitalization and
8 opted for out-patient treatment. She told Respondent the elected treatment
9 option and Respondent had the puppy's medication filled while she finished
10 appointments. Respondent reported that the chart was then inadvertently sent
11 to the reception area instead of being held for her to take while she spoke with
12 the pet owners; Mr. Williams was checked out with the following:

- 13 a. Omeprazole 10mg, 7 capsules; give one capsule once a day
14 orally;
- 15 b. Cerenia 16mg, (no quantity); give one tablet once a day orally;
16 and
- 17 c. Metronidazole 250mg, 28 tablet; give one tablet twice a day orally.

18 6. Mr. Williams came back into the premise and requested SQ fluids be
19 dispensed to administer to the dog. Respondent agreed and provided
20 instructions for a fluid bag, drip set and dosage to go home; Lactated Ringer's
21 Solution, 50mLs SQ twice a day. Respondent stated that she did not realize the
22 dog was discharged without her finalizing the chart. The fluids were dispensed
23 with Dr. Taylor's (the Responsible Veterinarian) name on the prescription label,
24 not Respondent's. Dr. Taylor was at the premise that day but was not seeing
25 appointments at the time the puppy arrived. Respondent stated that she did

1 not become aware that the pet owners left with the puppy until after they were
2 gone. She did not attempt to contact them.

3 7. According to Mr. and Mrs. Williams, Ms. Davis did not obtain the dog's
4 vitals, only a swab for the parvo test. They were advised that the test was
5 positive and were given two options for treatment – in house treatment or
6 home care. The pet owners asked what the difference was between the two
7 and were told that it was the same concept, except they would not have to
8 pay for boarding if they treated the dog at home – the treatment was the
9 same. Mrs. Williams was a stay-at-home mom therefore they chose to treat the
10 dog at home. Ms. Davis went inside the premise and returned with medications
11 for the pet owners to administer to the dog. The puppy was not examined; they
12 did not speak to a doctor and were not told a doctor needed to see the
13 puppy prior to leaving.

14 8. Prior to leaving, Mr. and Mrs. Williams realized they were not given a bag
15 of fluids as a treatment for the dog. When they had called earlier that day they
16 were told that the home care kit included fluids. Mr. Williams went inside the
17 premise to request the bag of fluids – staff retrieved a bag of fluids that were
18 labeled for the puppy along with attachments; he was discharged again and
19 was told to bring the dog back if he got worse.

20 9. On Friday, January 12, 2018, the dog was not getting better; therefore, Mr.
21 Williams called Respondent's clinic. The clinic was closed and instead of
22 waiting for a call-back from the on-call doctor, the pet owners took the dog to
23 a veterinary facility in Kingman. The dog was hospitalized for IV fluids,
24 medication, diagnostics and a blood transfusion. The dog passed away the
25 following day despite treatment.

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CONCLUSIONS OF LAW

10. The Arizona State Veterinary Medical Examining Board has jurisdiction over this matter pursuant to A.R.S. § 32-2201, et seq.

11. The conduct and circumstances described in the Findings of Fact above, constitutes a violation of **A.R.S. § 32-2232 (25)** Performing veterinary services without having a valid veterinarian client patient relationship.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law it is **ORDERED** that Respondent shall:

1. Pay a civil penalty of two hundred fifty dollars (\$250) within ninety (90) calendar days from the effective date of the Order. Civil penalty shall be made payable to the Arizona State Veterinary Medical Examining Board and is to be paid by cashier's check, certified check, or money order.

2. Respondent shall obey all federal, state and local laws/rules governing the practice of veterinary medicine in this state.

3. Respondent shall bear all costs of complying with this Order.

4. This Order is conclusive evidence of the matters described and may be considered by the Board in determining an appropriate sanction in the event a subsequent violation occurs. In the event Respondent violates any term of this Order, the Board may, after opportunity for Informal Interview or Formal Hearing, take any other appropriate disciplinary action authorized by law, including suspension or revocation of Respondent's license.

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This Order shall be effective and in force upon the expiration of the above time period for filing a motion for rehearing or review with the Board. However, the timely filing of a motion for rehearing or review shall stay the enforcement of the Board's Order, unless, pursuant to A.A.C. R3-11-904 (F), the Board has expressly found good cause to believe that this Order shall be effectively immediately upon the issuance and has so stated in this Order.

Arizona State Veterinary Medical Examining Board
Jim Loughead
Chairman

By: Victoria Whitmore
Victoria Whitmore, Executive Director

Original of the foregoing filed this 21st day of October, 2019
with the:

1 Arizona State Veterinary
2 Medical Examining Board
3 1740 W. Adams St., Ste. 4600
4 Phoenix, Arizona 85007

5 Copy of the foregoing sent by certified, return receipt mail
6 this 2nd day of October, 2019 to:

7 Maria Zayas, DVM
8 Address on file
9 Respondent

10 By: 
11 Board Staff